

AFFIDAVIT

I, Jeremy Costa, state:

INTRODUCTION AND AGENT BACKGROUND

1. I have been a Special Agent with Internal Revenue Service Criminal Investigation, United States Department of Treasury (“IRS-CI”) since 2008. I am assigned to IRS-CI’s Boston, Massachusetts Field Office. As a Special Agent, I investigate criminal violations of the Internal Revenue Code and related criminal statutes. I have been the lead case agent on numerous fraud investigations.

2. I submit this affidavit in support of an application for a criminal complaint charging NNAMDI OPARA (“OPARA”) with two counts of theft of government funds, in violation of 18 U.S.C. § 641, and for a warrant for OPARA’s arrest.

3. As detailed below, OPARA purported to be the owner and sole officer of a Woburn, Massachusetts-based company created in 2023. In or about June and July 2023, OPARA deposited two U.S. Treasury checks into a bank account that he controlled, despite the fact that the checks had actually issued in 2021 to a company in Long Island and been altered to be payable to OPARA’s newly created business. In this way, OPARA stole \$700,767.52 in government funds.

4. The facts in this affidavit come from my personal knowledge, information that other law enforcement agents provided, and my review of records described below. This affidavit does not set forth all of the information that I have learned during this investigation and includes only the information necessary to establish probable cause for the requested complaint and arrest warrant.

PROBABLE CAUSE TO BELIEVE THAT A FEDERAL CRIME WAS COMMITTED

5. “The Bank” is headquartered in Buffalo, New York, with branches in

Massachusetts.

6. According to Massachusetts Registry of Motor Vehicle (“RMV”) records, OPARA lives at [REDACTED] Woburn, Massachusetts 01801. A Massachusetts Driver’s License with a number ending 4531 is issued to OPARA.¹ Below is a photograph of OPARA from RMV records:



7. According to information that investigators obtained from Makor Management, OPARA was a named lessee at [REDACTED] Woburn, Massachusetts 01801, from May 2021 through February 2025. According to United States Postal Service records, an individual named “Nnamdi Opara” received mail at [REDACTED] Woburn, Massachusetts 01801, as recently as October 2024.

8. According to records on file with the Secretary of the Commonwealth of Massachusetts, AFGO Mechanical Services, Inc. (“AFGO”) is a Massachusetts corporation, first registered on or about June 12, 2023. AFGO’s Articles of Organization listed OPARA as the President, Treasurer, Secretary, Vice President, Director, and Registered Agent. AFGO listed the

¹ I know the full driver’s license but redact it here in the interest of privacy.

location of its principal office as [REDACTED] Woburn, Massachusetts 01801.

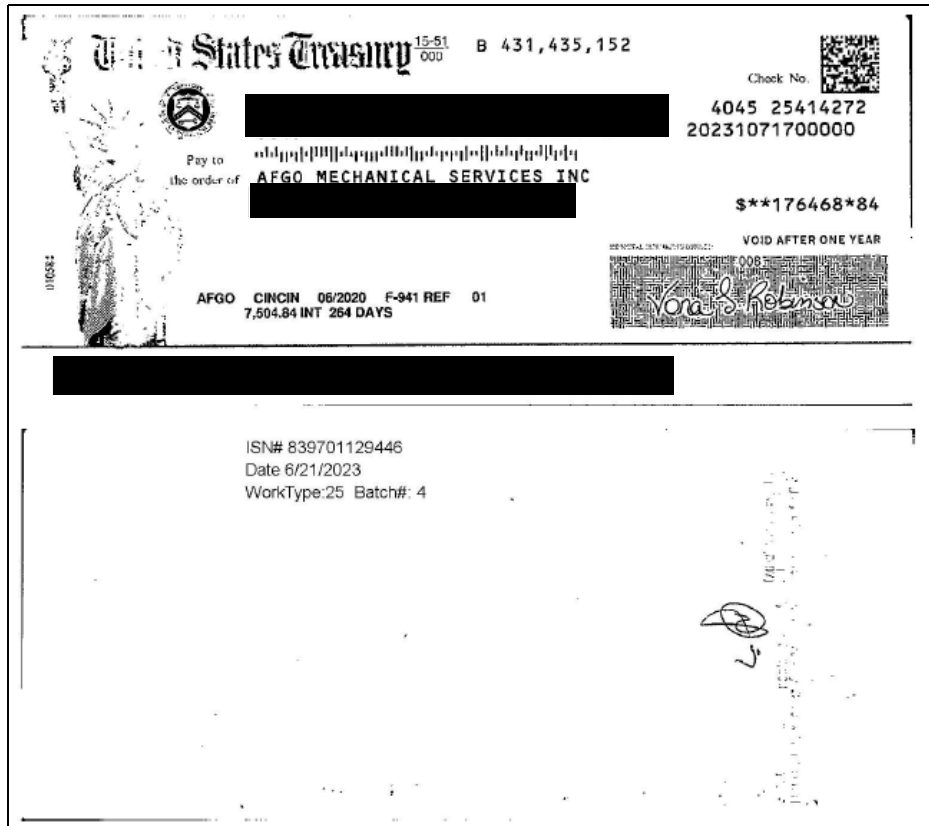
9. IRS records contain a Form SS-4, which is a form submitted to apply for an Employer Identification Number (“EIN”),² submitted in 2023 seeking an EIN for AFGO . The Form SS-4 listed the individual submitting the application as OPARA and identified OPARA by his Social Security number. The IRS assigned AFGO an EIN ending in 3324.

10. On or about June 13, 2023, OPARA opened a business checking account at the Bank in the name of AFGO with an account number ending 7751 (the “7751 Account”). On the account application documents, OPARA listed himself as the sole signatory on the account and the President of the Corporation. The application also listed AFGO’s EIN ending in 3324. To open the 7751 Account, OPARA also provided the Bank with his Social Security number and date of birth.

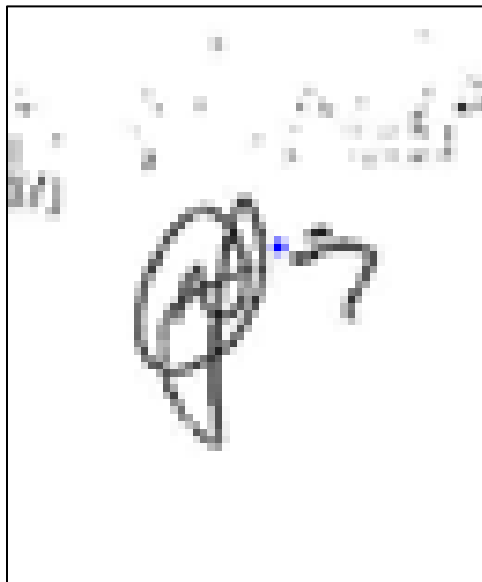
11. On or about June 21, 2023, OPARA entered the Bank branch located in Saugus, Massachusetts and deposited a U.S. Treasury check, numbered 4045-25414272 and payable to AFGO in the amount of \$176,468.84, into the 7751 Account. Bank records show that OPARA identified himself by presenting his U.S. passport (with an assigned number ending in 5153). Investigators have confirmed with the U.S. State Department that the passport OPARA presented is a validly issued passport assigned to OPARA.

12. The U.S. Treasury check number 4045-25414272 that OPARA deposited was dated May 2, 2023 and payable to “AFGO MECHANICAL SERVICES INC” at the address “[REDACTED] LONG IS CITY, NY 11106 2325.” An image of the deposited check appears below.

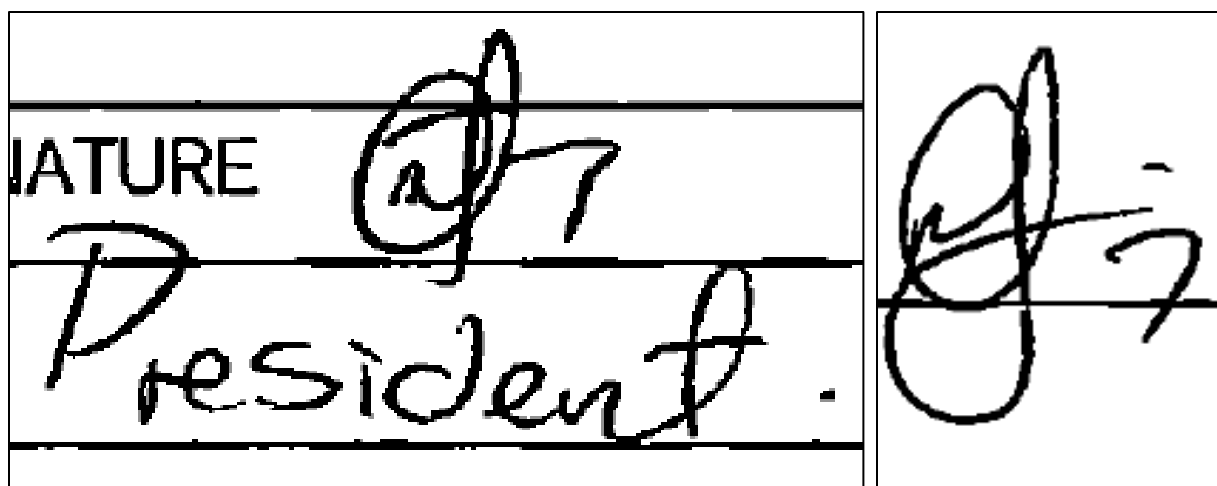
² An EIN is a federal tax identification number for businesses and other entities, similar to a social security number for individuals. I know the full EIN but redact it here in the interest of privacy.



13. Below is an enlarged image of the signature on the check.



14. The signature on the back of the check pictured above resembles OPARA's signatures on account documents for the 7751 Account. Examples appear below.



15. The memo on U.S. Treasury check number 4045-25414272 states “AFGO CINCIN 06/2020 F-941 REF 01 7,504.84 INT 264 DAYS.” I know based on my training and experience investigating tax fraud and review of records in this investigation that the notation in the memo “06/2020 F-941” refers to a Form 941-X for the second quarter of 2020 that was submitted to the IRS.

16. IRS records show that AFGO never filed any tax returns, let alone a Form 941-X for the second quarter of 2020, three years before AFGO existed. The U.S. Treasury check numbered 4045-25414272 that OPARA deposited was in fact dated more than one month before AFGO had been incorporated in Massachusetts.

17. IRS records show that U.S. Treasury check number 4045-25414272 was actually issued to an entity in Queens, New York (the “Queens Entity”), with a different EIN ending in 8929³ and not to AFGO.

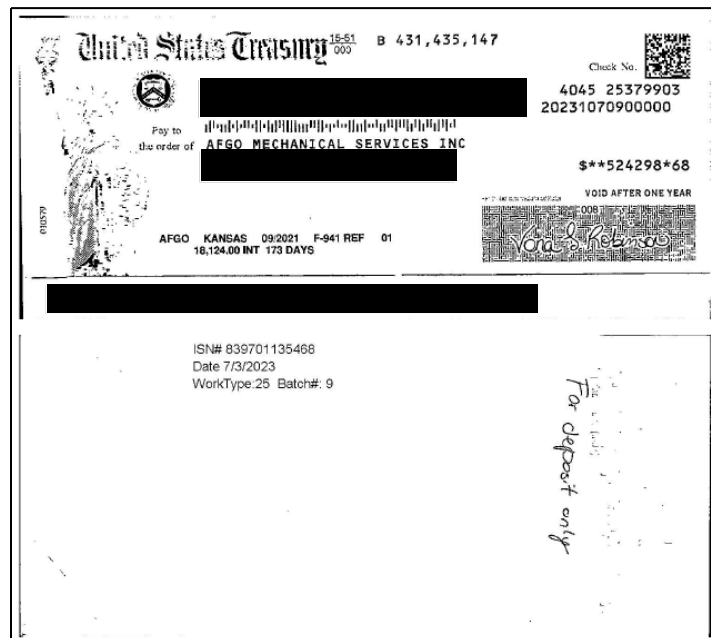
18. IRS records show that the Queens Entity filed a Form 941-X for the second quarter of 2020 seeking an Employee Tax Retention Credit (“ERTC”), a refundable tax credit for certain

³ I know the full EIN but redacted it here in the interest of privacy.

eligible businesses affected by the COVID-19 pandemic that paid qualified wages to some or all employees after March 12, 2020 and before January 1, 2022. The Queens Entity claimed an ERTC of \$168,964.00. As reflected in the memo on U.S. Treasury check number 4045-25414272, there was interest in the amount of \$7,504.84 for this ERTC. The sum of these figures equals the total amount issued for U.S. Treasury check 4045-25414272, *i.e.*, \$176,468.84.

19. On or about July 3, 2023, OPARA entered the Bank branch located in Saugus, Massachusetts and deposited U.S. Treasury check number 4045-25379903, payable to AFGO in the amount of \$524,298.68, into the 7751 Account. Bank records show that OPARA presented his Massachusetts Driver's License as identification to conduct this transaction.

20. The U.S. Treasury check 4045-25379903 OPARA deposited was dated May 2, 2023 and payable to "AFGO MECHANICAL SERVICES INC" at the address "[REDACTED] LONG IS CITY, NY 11106 2325." An image of the check appears below.



21. The memo on U.S. Treasury check 4045-25379903 states "AFGO KANSAS 09/2021 F-941 REF 01 18,124.00 INT 173 DAYS. Based on my training and experience

investigating tax fraud and review of records in this investigation, I know that the memo “09/2021 F-941” refers to a Form 941-X for the third quarter of 2021 that was submitted to the IRS.

22. IRS records show that AFGO never filed any tax returns and, specifically, did not file a Form 941-X for the second quarter of 2020, three years before the company existed. Moreover, the U.S. Treasury Check 4045-25379903 that OPARA deposited was dated May 2, 2023, which was over one month before AFGO was incorporated in Massachusetts.

23. IRS records show that U.S. Treasury Check 4045-25379903 was actually issued to the Queens Entity, and not to AFGO.

24. IRS records show that the Queens Entity filed a Form 941-X, for the third quarter of 2021 seeking an ERTC for \$506,174.68. As reflected in the memo on U.S. Treasury check number 4045-25379903, there was interest in the amount of \$18,124. The sum of these figures equals the total amount issued for U.S. Treasury check number 4045-25379903, *i.e.*, \$524,298.68.

25. Based on records available from both the IRS and the U.S. Treasury, there is probable cause to believe that OPARA knew that he was not entitled to the tax credits totaling \$700,767.52, and that U.S. Treasury check numbers 4045-25414272 and 4045-25379903 were not payable to his company, because OPARA was the owner and operator of AFGO, AFGO never made any filing with the IRS, and both U.S. Treasury checks were dated before OPARA incorporated AFGO.


26. Based on the information provided above, there is probable cause to believe that on or about June 21, 2023 and July 3, 2023, respectively, OPARA stole or knowingly converted to his use or the use of another money of the United States or of any department or agency thereof, specifically U.S. Treasury check number 4045-25414272 and U.S. Treasury check number 4045-25379903, totaling \$700,767.52, in violation of 18 U.S.C. § 641.

Sworn to under the pains and penalties of perjury,



Jeremy Costa
Special Agent
Internal Revenue Service
Criminal Investigation

Subscribed and sworn to before me telephonically pursuant to Rule 4.1(a) on **June 4, 2025**.



Hon. JENNIFER C. BOAL
United States Magistrate Judge

